

JURISDICTION:

MICHIGAN

General Reference:

This chapter summarizes Michigan State statutes related to speed.
Michigan Compiled Laws Annotated

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall operate a vehicle at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface, and width of the highway and of any other condition then existing. §257.627(1)

Statutory Speed Limit:
See Other below.

70 MPH on parts of freeways under a special speed study §257.628(7)
65 MPH, except as noted above, on freeways §257.628(7)
55 MPH on other highways §257.628(1)
25 MPH (*prima facie* unlawful speed) in business or residence districts, in public parks or in school zones¹ §§257.627(2) & 257.627a(2)
25 MPH on county highways or interconnected group of county highways not more than 1 mile in total length that connect with a county road system. §257.628(3)

Posted (Maximum) Speed Limit:

I. Notwithstanding the above speed limits and based on engineering and traffic investigations, State and local governments may establish maximum speed limits on highways under their jurisdiction. However, not more than 170 miles of the State's freeways shall have a speed limit <65 MPH. §258.628(1) & (7) Note: Michigan law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.
II. Local authorities may increase or decrease the 25 MPH speed limit in a school zone.¹ §§257.627a(4) & 257.606(1)(k)
III. Local authorities may increase the *prima facie* speed limits within their jurisdictions. However, a *prima facie* speed limit outside either a business or residential district shall not be <25 MPH. A *prima facie* speed limit of not <15 MPH may be established for publicly owned parks or playgrounds. §257.629(1) & (4)
IV. A municipal government may establish speed limits on the properties of any board of education, school district or community college district located within its jurisdiction. §257.961
V. When a state of emergency exists, the governor may reduce the speed limit on any street, highway or freeway via executive order. §257.629b

Minimum Speed Limit:

I. See the Basic Speed Rule above.
II. The minimum speed limit on freeways is 45 MPH. §257.628(5)

Basis for a Speed Law Violation: (continued)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, State and local governments establish minimum speed limits on highways under their jurisdictions. §258.628(1)

¹The *prima facie* speed limit in a school zone is in force (1) from not less than 30 minutes but not more than 1 hour before school is in session to not less than 30 minutes but nor more than 1 hour after school is in session and (2) during school lunch periods when students are allowed to leave the school. §257.627a(2)

If, in order to attend classes, school children must cross a state highway with a speed limit ≥ 35 MPH, the State Transportation Commission, at the request of school authorities and based upon traffic engineering studies, may reduce the speed limit at designated school crossing zones. §257.627a(5)

If the street in the school zone has a sidewalk on at least one side, the speed limit in the zone may be established at not less than 15 MPH below the regularly posted speed limit. In no situation shall the limit be established at <25 MPH. §257.627a(6)

MICHIGAN

- Other:
- I. A person operating a passenger vehicle which is towing another vehicle shall not drive >55 MPH.² §257.627(5)
 - II. A person operating a truck weighing ≥10,000 lbs. shall not drive >55 MPH.³ §257.627(6)
 - III. A person shall not operate a school bus >50 MPH (>55 MPH on a limited access highway or freeway). §§257.627(7), 257.627b & 257.1861
 - IV. Unless a special speed limit has been established, a person shall not operate a motor vehicle in a designated work area >45 MPH. §257.627(9)
 - V. A person shall not exceed the maximum safe posted speed limit which has been established for a bridge, causeway or viaduct. §257.631(1)
 - VI. In the Lower Peninsula, towed mobile homes >14-1/3 feet wide are prohibit from traveling either >45 MPH or <10 MPH below the speed limit whichever is lower. §257.719b(d)
 - VII. It is *prima facie* unlawful to operate a vehicle >15 MPH in a mobile park home. §257.627(4)
 - VIII. Certain combinations of vehicles shall not be operated a speed >15 MPH.⁴ §257.719(4)(a)

Adjudication of Speed Law Violations:

- Civil/Criminal Adjudication of Violation: Except as Noted, Speed Law Violations are Civil Infractions. §§257.627(10), 257.628(6), 257.629(6) & 257.629b(2)
- Other: Misdemeanor Offenses: (1) Exceeding the speed limit in a school zone or (2) driving a school bus in excess of 55 MPH limit on a limit on limited access highway or freeway. §§257.627a, 257.627b and 257.901

Sanctions Following an Adjudication of a Speed Law Violation:

- Criminal Sanctions:
Imprisonment:
Term (Day, Month, Years,
Etc.):
- Civil Infraction-N/A
Misdemeanor-Not more than 90 days §257.901

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

²This limit does not apply if (1) "vehicle or trailer has 2 wheels or less and does not exceed the combined weight of 750 pounds for the vehicle or trailer and load, or a trailer coach of not more than 26 feet in length with brakes on each wheel and attached to the passenger vehicle with an equalizing or stabilizing coupling unit." §257.627(5)

³If reduced loading is being enforced on any highway, the maximum speed is 35 MPH. §257.627(6)

⁴The combinations include the following: (1) A truck hauling more than 1 trailer or semitrailer; and, (2) a truck tractor hauling more than 2 semitrailers or 1 semitrailer and a trailer. However, this reduced speed does not apply (1) to farm tractor hauling 2 wagons, (2) to garbage or refuse hauling up to 4 trailers (with a combined length of not >55 feet). §257.719(4)(a)

Mandatory Minimum Term:	None
Fine:	
Amount (\$ Range):	<u>Civil Infraction</u> -Only a fine is imposed for a Civil Infraction. The actual fine that is to be imposed on an offender is determined by a fine schedule that is established by each district or municipal court. However, person, who is operating a commercial motor vehicle at the time of the offense, is subject to a civil infraction fine of not more than \$250 . §§257.907(3) & (7) and 600.8827(5)
Mandatory Min. Fine (\$):	<u>Misdemeanor</u> -Not more than \$100 §257.901 <u>Civil Infraction</u> : A mandatory fine is imposed for speeding related to exceeding the maximum speed limit on a highway or freeway. ⁵ Note: Mandatory minimum fines could be established by the courts via the fine schedule.
Other Penalties:	
Traffic School:	A person may be required to attend a traffic education program. §257.907(5)
Other:	
Licensing Action:	
Type of Licensing Action (Susp/Rev):	Suspension via a Point System ⁶ §§257.320(1)(d) & (2) and 257.320a
Term of License Withdrawal (Days, Months, Years, etc.):	Not more than 1 year §257.320(4)
Mandatory Minimum Term of Withdrawal:	None
Miscellaneous Sanctions Not Included Elsewhere:	Important. A person, who commits a moving violation (e.g. speeding violation), in a construction or school zone is subject to a fine that is

⁵The following mandatory fines apply to persons who exceed the speed limit on highways or freeways with a maximum speed limit ≥55 MPH: 1 to 5 MPH over the limit-\$10; 6 to 10 MPH over the limit-\$20; 11 to 15 MPH over the limit-\$30; 16 to 25 MPH over the limit-\$40; and, ≥26 MPH over the limit-\$50. §257.629c

⁶**Point System.** I. A persons's license is subject to suspension for not more than 1 year if they accumulate 12 points within a 2 year period. §257.320 II. The following points are assigned for speeding and speed related violations: Felony resulting from the operation of a motor vehicle-6 points; reckless driving-6 points; drag racing-4 points; exceeding the speed by >15 MPH-4 points; careless driving-3 points; exceeding the speed by >10 MPH but ≤15 MPH-3 points; exceeding the speed limit by ≤10 MPH-2 points; and, all other speed related moving violation-2 points. §257.320a(1)(a), (e), (g), (i), (k) & (l) III. However, the following points are assessed for exceeding the speed limit on highways where the speed limit is ≥55 MPH if the offender has responded "with an explanation" to a civil infraction: 1 to 5 MPH over the limit-0 points; 6 to 10 MPH over the limit-1 point; 11 to 15 MPH over the limit-2 points; 16 to 25 MPH over the limit-3 points; and, ≥26 MPH over the limit-4 points. §257.629c

MICHIGAN

double that otherwise prescribed by law. §257.601b

Other Criminal Actions Related to Speeding:

Drag Racing on Highway⁷:

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Mandatory Minimum Term:

Fine (\$ Range):

Mandatory Minimum Fine:

Misdemeanor §§257.626a & 257.901(1)

Not more than **90 days** §257.901(2)

None

Not more than **\$100** §257.901(2)

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Length of Term of

Licensing Withdrawal:

Mandatory Action--Minimum

Length of License

Withdrawal:

Suspension via the Point System⁶ §§257.257(1)(d) & 257.320a(1)

Not more than **1 year** §257.320(4)

None

Other:

Careless or Negligent Driving⁸:

Sanction:

Criminal:

Imprisonment (Term):

Mandatory Minimum Term

of Imprisonment:

Fine (\$ Range):

Civil Infraction §§257.626b & 257.907

None

Only a fine is imposed for a Civil Infraction. The actual fine that is to be imposed on an offender is determined by a fine schedule that is established by each district or municipal court. However, person, who is operating a commercial motor vehicle at the time of the offense, is subject to a civil infraction fine of not more than **\$250**. §§257.907(3) & (7) and 600.8827(5)
Note: A mandatory minimum fine could be established by the courts.

Mandatory Minimum Fine:

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Length of Term of License

Suspension via the Point System⁶ §§257.257(1)(d) & 257.320a(1)

⁷The offense of "drag racing" on a highway is defined as operating a motor vehicle either (1) in a speed or acceleration contest, (2) for the purpose of making a record, or (3) where 2 or more vehicles accelerate in an attempt to out-distance each other. §257.626a

⁸This offense is defined as the operation of a vehicle in a careless or negligent manner which is likely to endanger any person or property but where such action was without wantonness or recklessness. §257.626b

Withdrawal Action: Not more than **1 year** §257.320(4)
Mandatory Term of License
Withdrawal Action: **None**
Other:

Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving⁹: Misdemeanor §§257.626(a) & 257.901(1)
Sanction:
Criminal:
Imprisonment (Term): Not more than **90 days** §257.626(b)
Mandatory Minimum Term
of Imprisonment: **None**
Fine (\$ Range): Not more than **\$100** §257.626(b)
Mandatory Minimum Fine: **None**
Administrative Licensing Actions: Also, **Suspension** via the Point System⁶
Type of Licensing Action
(Susp/Rev): **Suspension/Revocation** §§257.303(2)(a) & 257.319(3)(b)
Length of Term of License
Withdrawal Action: 1st offense-Suspension for 90 days 2nd offense (within 7 years)-
Revocation for 1 year However, the revocation is for 5 years if the
offender had a previous revocation within 7 years. §§257.303(4)(a)(i) &
(ii) and 257.319(3)(b)
Mandatory Term of License
Withdrawal Action: The above licensing actions appears to be mandatory.
Other:
Felonious Driving¹⁰: Felony §752.191
Sanction:
Criminal:
Imprisonment (Term): Not more than **2 years** §752.191
Mandatory Minimum Term

⁹A person commits a misdemeanor if they operate a motor vehicle in a careless or reckless manner but not wilfully or wantonly and cause an accident involving a pregnant woman that results in either a miscarriage or stillbirth. The sanctions for this offense are incarceration for not more than 2 years and/or a fine of not more than \$2,000. §750.90e Depending upon the circumstances and the number of prior offenses, there may be a minimum jail sentence via the State’s Sentencing Guidelines under Chapter 777.

¹⁰Felonious driving is defined as operating a motor vehicle "carelessly and heedlessly in wilful and wanton disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property and thereby injuring so as to cripple any person, but not causing death." §752.191

MICHIGAN

of Imprisonment: **Possible** Depending upon the circumstances and the number of prior offenses, there may be a minimum jail sentence via the State's Sentencing Guidelines under Chapter 777.

Fine (\$ Range): Not more than **\$1,000** §752.191

Mandatory Minimum Fine: **None**

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev): **Suspension** §752.192 Also, **Suspension** via the Point System⁶ §§257.257(1)(d) & 257.320a(1)

Length of Term of License

Withdrawal Action: I. The court recommends that the licensing agency suspended an

Other Criminal Actions Related to Speeding:
(continued)

Felonious Driving: (continued)
Length of Term of License
Withdrawal Action: (continued)

offender's license. The recommendation is included as part of the sentence. §752.192
II. Suspension via the Point System-Not more than **1 year** §257.320(4)

Mandatory Term of License
Withdrawal Action:

I. The court does not have to make a recommendation that an offender's license be suspended. However, if it does, it appears that the suspension period is mandatory. §752.192
II. Suspension via the Point System-**None**

Other:

Commercial Motor Vehicle (CMV) Operators¹¹:

Grounds for Suspension:

A person's CDL is suspended if, while driving a CMV, they either (1) commit 2 "serious traffic violations"¹² within a 36 month period or (2) commit 3 such violations within a 36 months period. §257.319b(1)(a) & (b)

Period of Suspension:

2 serious violations (within 36 months)-**60 days** 3 serious violations (within 36 months)-**120 days** §257.319b(1)(a) & (b)

Period of Mandatory Suspension:

2 serious violations (within 36 months)-**60 days** 3 serious violations (within 36 months)-**120 days** §257.319b(1)(a) & (b)

¹¹A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥10,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §480.11a(1)(c)

¹²A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or careless driving. §257.319b(2)(b) & (b) (After 10/1/99, a "serious traffic offense" means careless driving or excessive speeding as defined under Federal Regulations. These regulations define a "serious traffic offense" to include exceeding the posted speed limit by 15 MPH or more (49 CFR 383.5). §257.319b(3)(b))